

S/N 10/735,598

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott Freeberg

Examiner: Nicole R. Kramer

Serial No.: 10/735,598

Group Art Unit: 3762

Filed: December 12, 2003

Docket: 279.441US1

Title: AUTOMATICALLY CONFIGURABLE MINUTE VENTILATION SENSOR

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, J. Kevin Parker, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on December 12, 2003. I am making this petition on behalf of Cardiac Pacemakers, Inc., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Cardiac Pacemakers, Inc., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/735,598) and to U.S. Patent No. 7,092,757. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U.S. Serial No. 10/735,598 was recorded on May 25, 2004 on Reel 014668, Frames 0359-0361, with the United States Patent and Trademark Office. The assignment for U.S. Patent No. 7,092,757 was recorded on November 19, 2002 on Reel 013508, Frames 0307-0310, with the United States Patent and Trademark Office.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Cardiac Pacemakers, Inc., seeking to take the action set forth in this disclaimer.

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Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of any patent which may issue from U.S. Patent No. 7,092,757. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent which may issue from U.S. Patent No. 7,092,757 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which may be granted on U.S. Patent No. 7,092,757. in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

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Fee Status

Please charge Deposit Account 19-0743 in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCOTT FREEBERG

By his Representatives,

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Date 11-17-06

By J. Kevin Parker
J. Kevin Parker
Reg. No. 33,024

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17 day of November 2006.

Paula Suchy
Name

Paula Suchy
Signature